

A
REMONSTRANCE
FROM SOME
COUNTRY WHIGS
TO A
Member of a Secret Committee.



LONDON:
Printed for J. Morphew near Stationers-Hall,
MDCCXV.

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REMONSTRANCE

FROM SOME

COUNTRY WHIGS

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Member of a Secret Committee



LONDON:

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MDCCLXXV

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A

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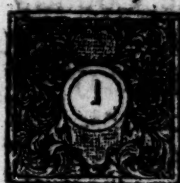
FROM SOME

COUNTRY WHIGS

TO A

Member of a Secret Committee.

SIR,



It was a particular Satisfaction to us, when we heard that you were chosen to be one of those to whom the Inspection of the late Conduct is referr'd, as well because we have had long Experience of your Candour, Integrity

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tegrity and Impartiality, when things of the highest Importance came before you, as because it gives us some Test of the Judgment which we hope the House has made of the rest of the Members appointed for this Nice Undertaking, and that they are all of them equally qualified for the Service of their Country.

From a set of Men fill'd with Zeal according to Knowledge, earnest in the pursuit of the Enemies of their Country; but above the narrow Principles of Parties, who judge not with Prejudices, and who will Impartially Determine according to Justice, What may we not expect, and how happy is it for Innocent Men, if any shall be wrongfully accused, that they shall be sure not to be Rashly and Unjustly Censur'd, as the Guilty are not to be able to Escape.

You cannot think, *Sir*, that since this great Affair of Calling to an Account the late Ministry, we in the Country have been unconcern'd; tho' perhaps remote and without Doors we may not have been fully inform'd of things, and may have had wrong Notions infused, and wrong Characters of Men given us, by the Byas and Prejudices of those from whom we have receiv'd our Information
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in publick Affairs, and you will pardon us therefore in the Liberty we take with you, Laying before you what Notions we have receiv'd, and what our Friends have made us to EXPECT; That if we are Wrong we may be set Right by better Information, and also because upon this foundation we build farther EXPECTATIONS, and are fill'd with Hopes of Extraordinary Things from the Great Enquiries which you are now Employ'd in, and Selected for.

To come close to the matter, *Sir*, for we have no room for Introduction in things of this Moment: You partly know, *Sir*, that we have been told, The Mismanagement of the late Ministry had brought the Nation to the brink of Ruin: That Loyal and Dutyful Address which you drew up, and presented for us to His present Majesty, you know, *Sir*, express'd at large, how zealously we adored the Divine Goodness, in so seasonably and happily placing His Majesty upon the Throne, at a Time when the wicked Conspiracies of His and Our Enemies, had brought their Trayterous designs against the Nation to so great a height, as that they were just at the point to defeat all our Hopes, and Impose upon
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this Nation a *Popish* and *French* Pretender, even his Majesty's Proclamations and Speeches have given us ground to believe these things so firmly, that none among us have so much as doubted, but that the late Administration had in it a natural direct tendency to Bringing in the Pretender, and that all the Measures of the Late Ministry were Calculated to bring about his Interest, to wean the Nation from the *Hanover* Succession, prepare them by degrees to be reconcil'd to the Person and Right of the Pretender, and to lessen their Hopes and Expectation from, and which were so entirely fix'd upon the Protestant *Hanover* Succession.

We have likewise from a long series of publick Complaints, as well as from your self, *Sir*, receiv'd Impressions of the late Peace, as a Trayterous Selling and Betraying the Nation, and the Protestant Interest in the World to the *French*; and that the fatal Separation, which in the late Queens time was made from the Allies, was a Plot of the late Ministry, in order to bring the *French* Army to fall upon the Confederates, and that all the misfortunes of that Campaign were the Consequences of that Treachery: That
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there was a manifest Confederacy between the Ministry and the *French*, that the former, being in Pension to *France*, and bribed by *French* Gold, have plotted the overthrow of their Country, the breaking the Confederacy, and the setting up a Popish Prince.

These things we make no question are true; the continued and repeated Assurances thereof on all Hands, having left us no room to doubt thereof, neither have we doubted, but that the generality of the whole Nation are of our Minds.

It having then pleased Almighty God by the Demise of the late Queen, and the suddain, powerful, and happy Accession of his present Majesty to the Throne, to disappoint these wicked Designs, and that the Nation now enjoys a free Parliament under the mighty Protection of a Prince, who we hope to see made the Terror of our Enemies: It seemed a natural Consequence of this happy turn of Affairs, that these things should be enquir'd into, and therefore we were made glad, when we saw in the Loyal Address of the House of Commons to his Majesty, That they were resolved to trace and bring the Authors thereof to condign Punishment.

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From which Address, but more especially from the repeated Assurances our Friends gave us, and you, Sir, among the rest of notable Discoveries already made into these things, how the late Ministry, infatuated from Heaven, had left themselves so Naked, and the particulars of their Conduct so open and exposed, as would convince the World that they were Masters of as little Policy as Honesty, and that you had it in Black and White, to show from their own Papers, how great Traytors they had been to their Country. From these things, Sir, our *Expectations* could not but be raised to a great height, and in short we were made to expect with the greatest assurance imaginable the following Particulars, and we have treated our Enemies, the Tories, with so much Contempt upon these Assurances, That if we should be disappointed, we shall be extremely mortified.

First, We have been made to EXPECT, that upon the present Ministry's entering upon the Examination of the Papers deliver'd to them by her late Majesty's Minister in *Holland*, the Earl of *Strafford*, and by Mr. *Prior* in *France*, as well

well as by such Papers as are come to hand other ways in the respective Offices to which they succeed, a plain and clear Discovery was made of the Treachery and ill Conduct of the late Ministry in making the Peace; of their Confederacy with *France*, and their driving on a *French* Interest in order to ruin the Protestant Alliance and betray our Confederates to *France*; these things we have no room left to doubt, would be made plain to the Nation, and we have been bid to expect also, that the present Committee, who have these Papers under Consideration, will not fail to expose those things to us and make them as clear as the Sun.

Second, We have been made to E X P E C T, Proof shall be produced, That the said late Ministry, nay, even the Queen herself, had actually entred into Measures with the Pretender for bringing him in, and settling him upon the Throne of these Kingdoms in Bar of the House of *Hanover*; and that the King of *France*, notwithstanding his Engagements to the contrary by the Treaty of *Utrecht*, was Confederate with the late Ministry in this Trayterous Design.

Third, We have been made to *Expect*, That a Discovery was made by the present Ministry, of Measures concerted at Home as well as Abroad, avowedly to alienate the Minds of the People from the Illustrious House of *Hanover*, and to defeat and set aside the Protestant Succession.

Fourth, We have been made to *EXPECT*, That the present Ministry had div'd so far into the Conduct of the last, and were become so much Masters of their Secret Measures, as that they were able to prove, under their own Hands, their receiving of Bribes and Pensions from *France*, for selling a destructive Peace, and giving up the Commerce of *Great Britain* to *France*.

You will not wonder, Sir, that we have been provok'd to the last Degree, against the Men who have been the accursed Instruments of all this Treachery, and that we are moved hereby to give the Government no rest from our Importunities, till such Men, according to the Vote of the House, are brought to condign Punishment for the same.

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Nor can our Enemies the Tories, justly charge or upbraid us, as we hear they do, with being Furious, Inexorable and Bloody, in that we prove something Importunate to have Justice strictly and speedily Executed upon such Men as these; for, Sir, altho' Moderation is a Principle which we always esteem'd to be our peculiar Vertue, and in which the Tories had little if any Concern; yet it is not any Obstruction to the eternal Rule of Justice, which Commands that flagrant Crimes should be severely punished by the Civil Magistrate according to the Laws of the Land; neither is there any want of Moderation in our making it our humble and earnest Request to you, Sir, that you would as far as in you lies, contribute to the bringing those who are Guilty in the flagrant manner we have spoken of to condign Punishment, as the only way to bring the Nation to a settled Condition, to unite the Hearts of all his Majesty's Subjects, and remove effectually the Heats, Prejudices and Animosities, which now agitates the Minds of Men; that Neighbours and Friends, Fellow Countrymen and Fellow Christians, may not be ever Charging and Reproaching one another without a Cause,

but we come to know with some certainty the Innocent from the Guilty.

And, Sir, as this is a Matter of Blood in which we ought to be very clear and explicit, we desire to explain our selves more distinctly, and to repeat the Crimes for which we thus call upon the Government to make Inquisition, that you may not say we are Partial to any Party, or rash in moving the Government to Severities ; but that it may appear, that as on one hand, we are tender in the falling upon any for Mistakes and Infirmities, so that on the other hand, we are equally zealous with the rest of the Nation, to have those Crimes which are dangerous to our Constitution, and which are fatal to the establish'd Liberties of our Country, punished as they deserve with the utmost Severity, and this Explanation we shall divide as before into four Heads :

First, If any Man of what Quality or Degree soever, has, during her late Majesty's Reign, really engaged in the Interest of the Pretender, and professedly Embark'd for, or Confederated with him, or with any Foreign Powers, Princes or Persons for strengthening his Interest, has

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transferr'd his Allegiance to him from his then Rightful Sovereign the late Queen, or engag'd to do so after her Majesty's Demise, has agreed or design'd to agree, or entred into any Treaty about, or Measures for the setting the Pretender upon the Throne of *Great Britain*, either while her late Majesty lived, or to have done so after her Death, or in short, if any of these Men have been carrying on a Design of any kind whatsoever, to make the Pretender King of *Great Britain*, be such a Person our Child, Brother, Father, Friend, or in any the nearest Bonds of Relations or Obligation to us, we freely give them up to Justice, shall chearfully follow them to the Execution, and we make it our earnest Petition to the Legislature of *Great Britain*, that they may have no Mercy shewn them or to any of them.

Second, To make it still more plain, if any Man, of what Quality, Dignity or Degree soever, and whatever Merit he may otherwise have to plead for him with the People of *Great Britain*, has entred into any Measures, form'd a Design or Designs, concerted Methods, or agreed to enter into Measures for the defeat-

defeating, interrupting, or setting aside, on any account whatsoever, the Protestant Succession of the House of *Hanover*, whether in behalf of the Pretender or of any other Person, let him Die the Death, let the Laws have their full Course on such a Person without any Interruption.

Third, If any Person, as above, have stoop'd so low as to receive any Bribe or Reward of the King of *France*, or of any other of the Nations or Princes, who were then Enemies to, or at War with this Land, whether it were to act for them in the destroying the Confederacy of the Protestant Allies, or to procure a Peace Good or Bad, let them Die without Mercy.

Fourth, If any of the late Ministry, during their being employ'd by her late Majesty in any part of the publick Administration, or being entrusted with the publick Treasure, have misapplied, embezzel'd, or diverted to their private Use the said publick Money, or been tainted with Corruptions of any kind, much more if they have received any Pension, Payment, or Appointment from

from the *French*, the *Spaniards*, the Pretender, or from any one on their Account, be it with Condition of secret Service to the prejudice of their Country, or be it not so, such we give up to publick Resentment, and humbly Importune you, Sir, to use your utmost endeavour, that they may all, without distinction, be brought to publick Justice, and if it may be allow'd us, without offence, to follow the Example of some who have Written with more Freedom of publick Matters, we say that we EXPECT it.

Thus far we hope we distinguish ourselves in our sincere desire to have all the Evil Conduct of the late Ministry enquired into, and the Offenders punish'd; and we hope this is consistent with that Principle of Moderation, which is every Christians Vertue and Duty; which Moderation, that we may farther Exercise, and may Honour and Recommend the practice thereof, we shall sufficiently exhibit in the following part of this Remonstrance.

We do acknowledge, that as for the safety of our Country, for the preserving the Life, Honour, and Interest of his Majesty, and for the Support of his Government

vernment, in which we most heartily and willingly concur, we think the Justice mention'd above to be both reasonable and at this time absolutely necessary.

But we must not omit to subjoin, that there are divers things which with the same Humility we desire to say we EXPECT, as being due to the Honour of National Justice, as being a Debt owing to the Liberty and Right of every *British* Subject, and which is yet more than all, a Debt to the Eternal Laws of Right or Wrong, the fundamental Rule of all Justice and Equity; and these things we say we EXPECT, not with an Air of Tumult and Discontent, not to Awe and Oblige our Superiors; but we EXPECT them as we believe the true Representative of *Britain*, acting like themselves, can never fail to grant them; We EXPECT them from the known Justice and Candour of a *British* Parliament; We EXPECT them, because we are assur'd Heaven expects them, and has in all Ages testify'd its Resentment of the contrary Treatment; We EXPECT them that our Enemies, the Tories, who we have always tax'd with Cruelty, Injustice, Rage, and intemperate Measures may

may not Condemn us out of the Mouths and by the Practises of the most Whiggish Parliament, that ever sat in that House, We EXPECT then, that we may not make a Precedent for the Tory Party to act from, and to pay home upon us or our Posterity in time to come, when we know not but the Power may be as much in their Hands, as it now seems to be in ours. Finally, we EXPECT these things, as without which, we fear the Peace and Tranquility of the Nation cannot be establish'd upon steady and lasting Foundations. To descend to Particulars:

We EXPECT, That Matters of Fact Direct and Plain, will be with Impartial Justice, charg'd upon the Persons Accused, and that NUMBERS may have no other Influence in the Cases that shall come before you, than what the force of demonstrated Truth shall prevail upon.

We EXPECT, That in your Inquisition after the Treasonable Practices of the late Ministry, you will not content yourselves with bare Reports and popular Scandals, taking the clamour of Parties or of Party-men for Evidence, either on one side or other, but that whoever shall be Censur'd by you shall be Con-

demn'd only upon fair and full Evidence.

We EXPECT, That you will with equal chearfulness acquit those whom the Law acquits, or who you have not sufficient Evedence to Condemn, altho' they should be the Persons who some have appointed for Sacrifices, as you would Condemn those against whom undeniable Testimony is produced; that the Honour of Parliamentary Justice be preserv'd, and that Innocent Men may not be afraid to put themselves up on their Tryal, or be terrified from relying on the National justice of their Country.

We EXPECT, That no strain'd points of Law, no illegal Conjunction of Circumstances, be heaped up to make, as was observ'd by the famous Earl of *Strafford*, *Accumulatio* Treason; and in short, that no Method Extrajudicial will be made use of to prepossess the Minds of the People, or of those Noble Persons who are to be Judges, in prejudice of the Persons accused; and above all, that nothing will be done in these things which shall want to be raced out of the Journals of the Day, or a Vote against their being brought as a Precedent for future

future Practice upon your own Posterity.

We EXPECT, That you will not suffer Tumult and popular Clamour to have the least Influence on your Proceedings, knowing that the same Mob which to day falls upon one Innocent Man, may to morrow fall upon another; and remembering that calling for Justice by Tumult, has always been the Cause of a tumultuous Justice, which no honest Men can defend, and no wise Nation will bear with.

We EXPECT, That whoever shall be brought to Tryal will be treated with Candour and Humanity, having all the Leisure, Liberty and Legal helps to Clear and Defend themselves, being heard with Patience, treated with due Civility; if Condemned, Sentenced with Justice mingled with generous Compassion and Clemency; and if Clear'd, restor'd to the Charity and Affection of their Country.

We EXPECT, That the Black and White mention'd above will come forth beforehand; That the Crimes alledged will not be Constructive and Remote; That ye will not bring Men upon the Tryals of Life and Death on Occasions

Frivolous or Vexatious: But that the House, who are in this Case the Grand Jury of the Nation, will judge Calmly and Impartially whether the Charge is sufficient to bring Men of Honour and Quality upon the Stage of the World as Criminals or not; which if there is not just Cause of Complaint, is a most Injurious thing, and is a sensible Grief and Misfortune, even to Persons of the greatest Innocence and Vertue.

Above all, we hope and EXPECT, That it shall never be said by the Tories, That ye brought your selves into such a Circumstance by the joyning with the long and frequent Complaints of People without doors, who had no other evidence of Guilt, than what was founded on the Clamours of one Party against another, that something must be done, and some Sacrifices made to justify those former Complaints, least the People should condemn the other way, and say, That all which has been said, has been but a Political cry to amuse and deceive them.

We EXPECT on the contrary, That the Times past will suffice, wherein Innocent Men have been blasted, Innocent Blood shed, and injurious Accusations and Prosecutions carried on to bring about

about private and politick Designs; for which Offences the Nation spued out both the Master and his Servants; and that the present Reign, which is in so fair a way, and is blest'd with so Glorious Advantages of rendring the Nation Happy and Flourishing, United and Invincible, will not be stain'd with Injustice, or his Majesty made uneasy by the Cries of oppress'd Innocence.

We EXPECT likewise, That particular Persons will not be singled out for Prosecution, as the private Resentment of Persons who have power to do so shall direct, while others concern'd with them, and joyning in the same Fact, shall not only be exempt and be espoused, but shall be allow'd to sit in Judgment on the Facts of which they are equally Guilty; But that Justice may Concern it self Impartially as to Persons, as well as to the Crime, and that such Prosecutions as shall be Commenc'd may be to do Justice *to the Nation*, not to gratify the Picques and Passions of Statel-men, or the Revenge of Men in Power.

We EXPECT, That an Antient and Oppressive Practice, under which many of our own Friends yet living have formerly suffered, and of the Injustice of
which

which they have loudly Complain'd, will not be now reviv'd, (*viz.*) of Impeaching Men to blast their Reputation, and load them with popular Reproaches, and then refusing to prosecute those Impeachments, tho' the injur'd Person desires the justice of a Fair Tryal.

We EXPECT lastly, That when these Enquiries are fully made, and that every step taken to the Ruin of our Country is searched to the bottom; when the Guilty have fairly been Convicted of their Guilt, and the Innocent Acquitted, you will think of some healing Methods to restore the Tranquility of this divided Nation; That what you do not think merits to be punished, may merit to be forgotten, that the People may not be ever Contending with and Reproaching one another about State matters; but that a just and equal Administration may be chearfully submitted to by all Parties, that his Majesty may be King of all his People, and have a full possession of the Affection and good Wishes of the whole Nation.

These things as is said, we do not mention, or say we *Expect*, with an air of Demand, or with a haughty kind of Remonstrance, as if we were sufficient,
or

or willing to make the Government uneasy if it was not so ; We chuse rather to say therefore, That we hope that these things will be of weight with you ; because the Contrary will naturally turn upon your selves, and will bring upon you, both the Wrath of Heaven, and the Reproach of Men.

It is true, Power may be in our hands at this time to Crush who we think fit to Crush, to kill and to save alive ; we have Numbers on our side to Vote away the Life of any Man who we may resolve to Sacrifice ; so indeed the *Philistines* had power to Bind and Insult over their Captivated *Samson* when depriv'd of his Strength ; yet Heaven provok'd at the Injury, gave Strength to the oppressed Prisoner to pull the House upon their Heads, and to bury them in the Ruins of their own Triumph.

Nothing but a legal, fair, open Prosecution will support our Complaints, woe to our Cause, however just and righteous in it self, if we found its Establishment upon Innocent Blood ; as no Criminal is too Great for your Just Resentments, so no Innocent Person is so Small, but his Blood wrongfully shed, may be a weight too heavy for you all,
and

and may in time overwhelm a whole Nation.

As the Crown is settled by Law, so the King's Throne is establish'd in Righteousness; as the Law is the support of the Crown, so the just distribution of the Law is the preservation of the Government. If Justice is not regarded, in vain we talk of Liberty and the Constitution; whoever breaks in upon the Laws, violates the Constitution; and one Oppression let in, makes room for all manner of Violence.

We have often Complain'd in former Times of the Injustice, Violence and Oppression of the Tories; we hope the dispensers of publick Justice will take Care that the Tories may have no reason to return the Charge, least the People say, as Mr. Dryden said of the Priests, That

States-men of every Party are the same.

It is to avoid the Scandals, as well as in Reverence to Justice it self, that we so earnestly desire your Proceedings may be Impartially and Uprightly carried on. The Principles of the Whigs have ever been to give the Laws their free and uninter-

interrupted Course, and that it is our earnest desire to do so now; That no Points should be strain'd in Capital matters, either to make a Crime of accumulated Circumstances, where the Law has not positively declared the single act to be Criminal, or to patch up the proof of Crimes alledged, by the help of popular Suggestions, general Odiums, or the Calumny and Reproach of Mens Tongues, without plain and undeniable Evidence of Fact, legally attested by unexceptionable Witness, and by fair and open Tryal of the Persons Accused. It was for this Reason, that as soon as the Revolution had taken place in these Kingdoms, Laws were made in favour of Persons Accused, particularly those Acts Intituled, *To Regulate Tryals in Cases of Treason*, whereby the Prisoners or Persons Accused, were allowed Copies of their Indictments, needful Time to prepare for Tryal, access of Persons to assist them, and in some Cases Counsel to Plead for them, all which were wont to be refused in Tryals for Treason. It was upon this very account that we called the Condemning my Lord Russel, Col. Sidney, Sir Tho. Armstrong, Mr. Cornish, Stephen College, and others who fell under

the like Injustice in the late King *Charles's* Reign, a kind of Murther, altho' they were Sentenc'd by the Courts of Justice, had formal Tryals by Juries and before the ordinary Judges, as in such Cases the Law directed.

Nothing is a clearer Proof of this, than the Preamble to the several Acts of Parliament for reversing the Attainders of those very Persons last named, which being the Act and Deed of the Parliament, the true Representative of the Nation, the same Power of which we are now speaking, no better Authority can be required in this Case.

It was this killing Men by Forms of Law, which that noble Patriot the Lord *Russel*, upon his Tryal at the *Old-Bailey*, stiled the worst sort of Murther. Nor can we in this Case omit the Case of the Earl of *Strafford*, in the Reign of King *Charles I.* where the several steps taken by the persuers of that Noble Person to bring him to the Block, were so manifestly the effects of Party-prejudices, that albeit, we who call our selves Whigs are unjustly Reproach'd with, yet we have, as Whigs, upon many occasions, testified our Abhorrence and Dislike of such Proceedings, our Resolution never
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to act after the like manner, no not with our worst Enemies ; and that we may not take upon us to pass any particular Censure upon Cases parallel to what we are now supposing to happen, we take leave to lay before you the Preamble to the Act of Parliament for reversing the Attainder of that noble Person, being likewise the Words, and back'd by the Authority of the Parliament of England, 13. and 14. Car. 2. cap. 29. as follows :

1. *Whereas Thomas Earl of Strafford was Impeached of High Treason, upon pretence of subverting the Fundamental Laws, and call'd to a Publick and Solemn Arraignment and Tryal before the Peers in Parliament, where he made a particular Defence to every Article objected against him ; 2. In-somuch, that the turbulent Party then seeing no hopes to effect their unjust Designs by any ordinary way and method of Proceeding, did at last resolve to attempt the Destruction and Attainder of the said Earl by an Act of Parliament, to be therefore purposely made to Condemn him upon Accumulative Treason, none of the pretended Crimes being Treason a-part, and so could not be in the whole, if they had not been*

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proved

proved, as they were not. 3. And also Judged him Guilty of Constructive Treason, that is, of levying War against the King, tho' it was only the Commanding an Order of the Council-board in Ireland to be Executed by a Serjeant at Arms and three or four Soldiers, which was the common practice of the Deputies there for a long time. 4. To which end, they having first presented a Bill for this Intent to the House of Commons, and finding there more Opposition than they expected, they caused a Multitude of tumultuous Persons to come down to Westminster, armed with Swords and Staves, and to fill both the Pallace-Yards, and all the Approaches of both Houses of Parliament, with Fury and Clamour, and to require Justice speedily, Justice against the Earl of Strafford. 5. And having by these and other undue Practices, obtain'd that Bill to pass in the House of Commons, they caused the Names of those resolute Gentlemen, who in a Case of Innocent Blood, had freely discharged their Consciences, being Nine and Fifty, to be posted up in several Places about London and Westminster, and stiled them Straffordians and Enemies to their Country, hoping thereby to deliver them up to the Fury of the People whom they had endeavour'd

deavour'd to incense against them. 6. And then procured the said Bill to be sent up to the House of Peers, where it having some time rested under great Deliberation, at last, in a time when a great part of the House of Peers were absent by reason of the Tumults, and many of those who were present protested against it, yet the said Bill passed in the House of Peers. 7. And at length, his late Majesty King Charles I. of Glorious Memory, granted a Commission for giving the Royal Assent thereunto; which nevertheless was done by his Majesty with exceeding great Sorrow, then and ever remembered by him with unexpressible Grief of Heart, and out of his Majesty's great Piety, he did publickly express it when his own Sacred Life was taken away, by the most detestable Traytors that ever were.

It having then been at all times the avow'd practise of the Whigs in this Nation in former times, to explode and condemn the least Tokens of Partiality in all Judicial Proceedings in Capital Offences, much less mixing those Proceedings with Passion, Violence and Revenge; and the said Whigs having always desired to give the Laws their full and uninterrupted Course, we cannot
but

but pursue the same just Principles of Impartiality, abhorring that Tory method of straining and perverting the meaning of the Law, to the prejudice of the accused ; declaring our selves for an impartial, clear, and upright Proceeding in the Court of Justice, against even our worst Enemies. And we cannot but in the present Case be greatly concern'd, whatever our warmth may be against the late Ministry, and against the Measures entred into by them ; and however we may in our Opinion condemn them, yet for the Honour of our Nation, in due regard to the Majesty of him, whose Justice should be the Guide, and whose Commands are the Rule of our Actions, and in tenderness to the Blood of Innocent Men, we cannot but be greatly concern'd, that every private Interest, and every personal Resentment be laid aside, while Inquisition is made for Crimes, giving the accused the Latitude for their own defence, which we can either by Law or Equity find to be due to them ; and that our Representatives may proceed against them, with that Calmness, Fairness, and Clemency, that we would acknowledge to be reasonable if they were on the Bench and
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we were at the Bar; and that in the Proceſs, which may be made againſt any, we ſhould *Condemn no Man*, BUT on ſuch full, clear, and undoubted Teſtimony and Evidence of Fact, as may juſtify our Proceedings before him, at whoſe enlighten'd Tribunal we ſhall all be Criminals.

This will effectually vindicate us from all the unjuſt Aſperſions which ſome are now caſting upon us, of pushing on Party Revenge; thirſting for Blood; reſolving to depend upon VOICES and not Pleadings; and to Condemn by NUMBERS, not by the Merits of the Caſe; and will prevent the Reproaches of Poſterity, when perhaps our Children may fall under the ſame Oppreſſion from others. Further, we humbly reſent, *Sir*, that as this owing to the publick Juſtice, and is neceſſary to be done in point of Conſcience, ſo it is a great Branch of our *Britiſh* Liberty, and cannot be broken into without a Violation of thoſe Rights of the Subjects we have always ſaid the Whigs are the beſt Guardians of, and in the Defence whereof, our Anceſtors have ſpent both their Fortunes and Blood.

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It is the essential part of Liberty, that the Subjects may not be condemn'd by any kinds of Violence: We acknowledge much Murther may be committed at the Bar of pretended Justice, and that there are many secret ways of killing Men, which Power puts into the Hands of Ministers of State, and which they can artfully wash their Hands of as to Men; but which, it is our Opinion, Heaven resents equally with the most open Butchery, and which frequently brings heavy Judgments upon a Nation. These we hope, and do not doubt will be abhorr'd and detested by all those who are now entrusted with the publick Justice, and upon whose Breath the Lives and Honour of accused Persons, may depend; at least, we take this occasion to protest that we desire it should be so, and that we, for our part, desire no advantages of these kinds, should be taken or made use of in our behalf against any Man, let their Offence be what it will.

Among the many ways, which, as above have been sometimes made use of, and as we say, principally by our Enemies the Tories, and by which Innocent Men may be destroy'd under the forms of Law; these which follow are some, and

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we think are some of the worst and most wicked of them, (*viz.*) when Men are run down and over-power'd by the extrajudicial Effects of Court Influence, by the Power of Numbers, by Constructive Notions of Guilt, by raising general Odiums upon Persons, endeavouring to facilitate their Condemnation by crying them down; first, with popular Clamours, and by that, having procur'd them to be universally hated, they may prepare the Minds of Men, who are to pass upon them for Life or Death, to believe, with the more ease, what is charg'd upon them, and take off from the weight of what is offer'd in their just Defence. We conceive that History is not without Examples, wherein many Innocent Men have suffer'd as Traytors, Rebels, and Enemies to their Country and Religion, who have really been Patriots, Fathers of their Country, Friends to the Government, and Persons of eminent Worth and Value in themselves, as well for the excellence of their Gifts, as for their eminent willingness to exert themselves for the Benefit and Advantage of others; among these you will join with us, Sir, in Recording the Lord *Cobham* in the Reign of *Henry V.* Lord

Cromwell in the Reign of *Henry VIII.* the Duke of *Somerset*, Uncle to the King himself, in the Reign of King *Edward VI.* the Earl of *Essex* and the Queen of *Scots* in the Reign of Queen *Elizabeth*; Sir *Walter Raleigh*, in the Reign of K. *James I.* besides the Instances already given of the Earl of *Strafford*, the Lord *Russel*, Col. *Sidney*, and others in the Reigns of King *Charles I.* and King *Charles II.*

All, or most of these, we think our Histories tell us, have fallen under the Envy and Malice of private Enemies, and by the power and influence of Ministers of State, wickedly employing the Hand of Authority to overthrow them in a way of publick Justice, when indeed they could not otherwise have brought it to pass; many of them have appear'd Innocent, and their fall been unjustly procur'd by the succeeding Generations, and some, even in the same Reign wherein they have been so destroy'd; nay, the very Sovereigns themselves, whose Power has been abus'd in bringing those Persons to Justice, have mourn'd for the Mistake, when it has been too late to remedy it. K. *Edward VI.* for his Uncle the D. of *Somerset*, Queen *Elizabeth* for the Queen of *Scots*, and especially for the Earl of *Essex*; as K. *James* for
for

for Sir *Walter Raleigh*, King *Charles* for the Earl of *Strafford*, and likewise others who it is too much to name.

These blacken the Histories and Memories of the Reign of some of our best Princes, with acts of Cruelty and Injustice, or at best, with fatal Mistakes, such as Posterity read with Abhorrence, and as no wise Prince or People desires to imitate.

These things we cannot look back upon without the most Contemptible Opinion of the Honour and Justice of those Ministers of State who had a hand in procuring them; and the Persons are in some of these Cases, recorded to their Infamy, as pursuing their private Interests and Passions, at the price of Innocent Blood.

With what just Reproach do our Histories record the unnatural Pride, Ambition, and Partiality of the Admiral in pursuit of his own Brother the Duke of *Somerset*, under King *Edward VI.* the State Policy of *Cecil* in the Fall of the Queen of *Scots*? the Treachery of the Countess of *Nottingham* in the Fate of the Earl of *Essex*? the Subtilty of *Gondomar* in the Ruine of Sir *Walter Raleigh*? the raising universal Clamour for the Destruction of the Earl of *Strafford*? and the calling for Justice by Tumult and Rabble in the Fall of King *Charles I.*

All these things have left marks of Infamy upon the Persons concern'd, nay, upon the very Nation ; and upon the Princes of those days, some blot remains for suffering Innocent and Valuable Persons to be run down by Artifice of State, bullied out of their Lives by the Harrangues of Mannagers and Lawyers, as was the Case eminently in the Tryals of the Earl of *Essex*, Sir *Walter Raleigh*, the E. of *Stratford*, and King *Charles* himself, by straining points of Law to form Treasons which the Law knows not of, and the like.

The Liberty of the Subject, as we conceive, can be invaded in nothing more grossly and injuriously, than in their Persons, being liable to be Condemn'd by strain'd points of Justice, and being Politically brought into Contempt by Clamour and Noise, by Pamphlets and Scurrilous Writings, to prepossess the Persons against them, who are to pass upon them for Life or Death ; and for this Reason we Hope, and Expect as before, that no such Scandalous Methods will now be put in practise upon the Persons who may be brought before you ; that our Enemies, the Tories, may not upbraid us with practising those things in our turn, which we have so often censur'd in others, and so

so loudly complain'd of as Breaches of the Constitution, and Invasions of the Native and Legal Rights of the People.

In order to this, Sir, we humbly recommend to you, to consider of the Grounds and Reasons of your Proceedings; we *Hope* and *Expect* that you will find some other Causes for entering upon Judicial Process against any Men let the Offences be what they will, than the Tumults and Clamours of People without Doors, least the Parties of every kind, in their turn, take it for a Rule, that publick uneasiness must be pacified, tho' at the price of Innocent Blood; a practise as old as the Crucifixion of our blessed Saviour, but abhorr'd by all just Nations and Governments; besides that, it subjects not the Lives of Innocent Men only, but the very being of Government to the Fury of the Rabble, and has overturn'd, not only the publick Justice in other Nations, but the Constitution of this Nation more than once.

With much greater earnestness, Sir, we recommend to you, to remove, as far as in you lies, the least occasion for a scandalous report spread abroad, we suppose by our Enemies, That the Publick are under Engagements to make Sacrifices,

ces, &c. to appease the Indignation of some Foreign Person or Powers, who being disobliged at the Conduct of the late Ministry, will upon no other Terms engage in new Alliances. We cannot believe that *English* Justice can be requir'd to answer the Resentment of Forreigners, much less that a *British* Parliament or Government can stoop so low, as to purchase the Friendship or Assistance of Forreign Powers at the price of Innocent Blood; or even to fall upon any, tho' they may think there is room for it, who yet they would not otherwise fall upon to oblige Forreign Powers to engage with us. On the Contrary, we hope *Great Britain*, notwithstanding all that may have pass'd, shall, under the Influence and Government of his present Majesty, be always in such Circumstances as to make Forreigners seek our Alliance, and not be Courted, much less Purchased to Engage with us, and least of all Purchased at so dishonourable a Rate as is suggested as above. Likewise, Sir, we recommend affectionately to you the Great and Fundamental Article of *English* Liberty, so antient as to be called an antient Privilege even in *Magna Charta* it self, (*viz.*) The Tryal by Juries, or Peers, that is by equals :

quals: And how sacred this is, and has been in all Ages to this Nation in sundry respects. You know, Sir, Juries ought to be of Impartial and Unprejudiced Persons, and therefore it is that every Criminal who is brought to Tryal for his Life, has a Liberty to except, even peremptorily, without giving any Reason for it, against a certain Number of the Persons Empannel'd for the Jury; but if the Accused Person can assign any just Reason, *of which also the Court is to be judge,* he may except against more, nay against as many more, as against whom such just Reasons can be given.

In which Case it will always pass for a just Exception against any Person being on the Jury against a Prisoner, if the Prisoner can prove that the Person so excepted against, has been Tamper'd with, or Brib'd, or any way prepossess'd in prejudice of the Person Accused, or has declared any Personal Prejudice, Picque or Enmity against him, whether on publick or private account.

We acknowledge that prepossessing the Nation in general, against particular Men who are thus to be brought upon a Tryal in a way of publick Justice, is one of the worst kinds of tampering with the Jury,
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and we humbly recommend it to you, Sir, to consider if such a Case should happen, that a Nation should be universally prejudiced against an Innocent Man, whether that Man could possibly have a fair Tryal, and whether he might not legally Except against the whole Jury, tho' all the Nation where to be of the Pannel.

We profess to be laying this before you, Sir, not in favour of particular Persons at all, we have freely given up all those to you in the beginning of this Remonstrance; but we cannot but be deeply concern'd Sir, for the Honour of the publick Justice, and for the Essential Branches of the Peoples Liberties, which we see lyable to some hazard in these Cases, and we cannot be without great Concern at the Consequences of having any extrajudicial step brought into Precedent hereafter, to the ruin of the Constitution, and to the destruction of our Posterity; and we doubt not but these things laid thus Impartially before you, will have equal weight with you, and all those Honourable Persons entrusted with you in the present Case; On which the Happiness of *Great Britain*, the Peace of the Government, and the Honour of his Majesty's Administration so much depends.

F I N I S.



